

crack cocaine amendment . . . had been in effect at the time the defendant was sentenced.”

U.S.S.G. § 1B1.10(b)(1). The Court may only substitute the amended retroactive guideline, in this case § 1D1.1, and shall leave all other guideline application decisions from the original sentencing unaffected. Id. The applicable sentencing guideline range for Defendant was based on his status as a career offender.

As the Court has determined that Defendant’s sentence was not based on a guideline range affected by Amendment 706, Defendant’s motion to reduce sentence pursuant to 18 U.S.C. § 3582(c) is **DENIED**.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: September 11th, 2008.